

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARLON JAMIR SIMON,

Defendant.

Case No. 18-CR-13-2-JPS

ORDER

On January 17, 2018, the grand jury returned a two-count indictment charging Defendant with drug sales in violation of 21 U.S.C. § 841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 846 and 18 U.S.C. § 2. (Docket #1). On August 31, 2021, the government filed an information charging Defendant with a single count of drug sales in violation of 21 U.S.C. § 841(a)(1), 841(b)(1)(C), 846 and 18 U.S.C. § 2. (Docket #22). That same day, the parties filed a plea agreement indicating that Defendant agreed to plead guilty to the single count in the Information. (Docket #23). Defendant waived his right to prosecution by indictment. (Docket #27).

The parties appeared before Magistrate Judge Nancy Joseph on September 21, 2021 to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #25). Defendant entered a plea of guilty as to Count One of the Information. (Docket #26 at 1). After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Joseph determined that the guilty plea was knowing and voluntary, and that the offense charged was

supported by an independent factual basis containing each of the essential elements of the offense. *Id.*

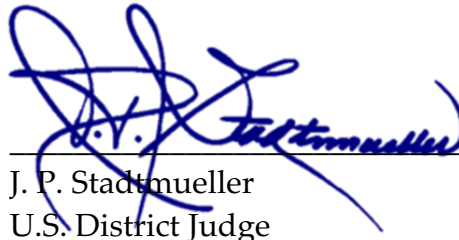
Magistrate Judge Joseph filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. *Id.* Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* at 2. To date, no party has filed such an objection. The Court has considered Magistrate Judge Joseph's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge Nancy Joseph's Report and Recommendation (Docket #26) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 7th day of October 2021.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge